



Wakefern Food Corporation

February 2, 2005

The Honorable William T. Hawks
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
Country of Origin Labeling Program-Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Interim Final Country of Origin Labeling Regulation for Fish and Shellfish (Docket No. LS-03-04)

Dear Secretary Hawks:

Wakefern Food Corporation would like to take this opportunity to respond to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish. We are the nation's largest retailer owned supermarket cooperative employing 48,000 associates in 213 stores throughout seven northeastern states.

There are two areas in the interim final rule that we find problematic and are seeking your assistance in amending.

The first area is record keeping. We are dependent on suppliers to provide accurate country of origin labeling information regarding their products. We suggest that the supplier provide a record with the product containing all statutory information as well as identifiers for them to locate records relative to that product. The records would stay with the product through our distribution facilities to the supermarkets until the product is sold. This process eliminates the need for unnecessary duplicate record keeping in our warehouses or supermarkets. The recordkeeping component would then be consistent with the Bioterrorism Act's final rule, which was released 12-6-04. In it the FDA recognized the high cost and logistical challenges record keeping places on the food distribution and retail industry. Record keeping in that final rule requires manufacturers, processors and packers to maintain records, since they are the responsible parties.

The second area we are concerned with is the implementation date. The interim final rule requires implementation on April 4, 2005. Noting that we will have a short time period from issuance of the final rule to the implementation date, we believe a January 1, 2006 date will give us sufficient time to address any changes in the final rule.

Thank you for your consideration of these comments.

Sincerely,

Lorelei N. Mottese
Manager, Government Relations